

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Statement of Issues Against:

FREDRICK JAMES LOPEZ

Applicant for Registered Nurse License

Respondent

Case No. 2012 – 486

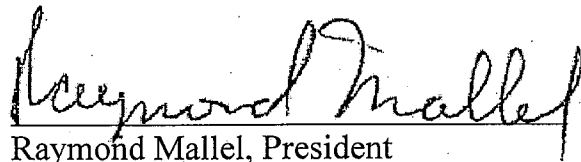
OAH No. 2012030829

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in the above entitled matter.

This Decision shall become effective on August 30, 2012.

IT IS SO ORDERED July 31, 2012.



Raymond Mallel, President
Board of Registered Nursing
Department of Consumer Affairs
State of California

1 KAMALA D. HARRIS
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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Statement of Issues
Against:

12 **FREDRICK JAMES LOPEZ**
13 **1926 N. Cedar Court**
14 **Visalia, CA 93292**

15 Respondent.

Case No. 2012-486

OAH No. 2012030829

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

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17 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
18 entitled proceedings that the following matters are true:

19 PARTIES

20 1. Louise R. Bailey, M.Ed., RN (Complainant) is the Interim Executive Officer of the
21 Board of Registered Nursing. She brought this action solely in her official capacity and is
22 represented in this matter by Kamala D. Harris, Attorney General of the State of California, by
23 Sterling A. Smith, Deputy Attorney General.

24 2. Respondent Fredrick James Lopez (Respondent) is representing himself in this
25 proceeding and has chosen not to exercise his right to be represented by counsel.

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3. On or about March 28, 2011, Respondent filed an application dated March 24, 2011, with the Board of Registered Nursing to obtain a Registered Nurse License.

JURISDICTION

4. Statement of Issues No. 2012-486 was filed before the Board of Registered Nursing (Board), Department of Consumer Affairs, and is currently pending against Respondent. The Statement of Issues and all other statutorily required documents were properly served on Respondent on February 23, 2012. A copy of Statement of Issues No. 2012-486 is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, and understands the charges and allegations in Statement of Issues No. 2012-486. Respondent has also carefully read, and understands the effects of this Stipulated Settlement and Disciplinary Order.

6. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Statement of Issues; the right to be represented by counsel at his own expense; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

8. Respondent admits the truth of each and every charge and allegation in Statement of Issues No. 2012-486.

9. Respondent agrees that his Registered Nurse License is subject to denial and he agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order below.

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CONTINGENCY

10. This stipulation shall be subject to approval by the Board of Registered Nursing. Respondent understands and agrees that counsel for Complainant and the staff of the Board of Registered Nursing may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent. By signing the stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

11. The parties understand and agree that facsimile copies of this Stipulated Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

12. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary Order may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.

13. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that the application of Respondent Fredrick James Lopez for licensure is hereby granted. Upon successful completion of the licensure examination and all other licensing requirements, a license shall be issued to Respondent. Said license shall

1 immediately be revoked, the order of revocation stayed and Respondent placed on probation for a
2 period of three (3) years on the conditions set forth below.

3 **Severability Clause.** Each condition of probation contained herein is a separate and
4 distinct condition. If any condition of this Order, or any application thereof, is declared
5 unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other
6 applications thereof, shall not be affected. Each condition of this Order shall separately be valid
7 and enforceable to the fullest extent permitted by law.

8 1. **Obey All Laws.** Respondent shall obey all federal, state and local laws. A full and
9 detailed account of any and all violations of law shall be reported by Respondent to the Board in
10 writing within seventy-two (72) hours of occurrence. To permit monitoring of compliance with
11 this condition, Respondent shall submit completed fingerprint forms and fingerprint fees within
12 45 days of the effective date of the decision, unless previously submitted as part of the licensure
13 application process.

14 **Criminal Court Orders:** If Respondent is under criminal court orders, including
15 probation or parole, and the order is violated, this shall be deemed a violation of these probation
16 conditions, and may result in the filing of an accusation and/or petition to revoke probation.

17 2. **Comply with the Board's Probation Program.** Respondent shall fully comply with
18 the conditions of the Probation Program established by the Board and cooperate with
19 representatives of the Board in its monitoring and investigation of the Respondent's compliance
20 with the Board's Probation Program. Respondent shall inform the Board in writing within no
21 more than 15 days of any address change and shall at all times maintain an active, current license
22 status with the Board, including during any period of suspension.

23 Upon successful completion of probation, Respondent's license shall be fully restored.

24 3. **Report in Person.** Respondent, during the period of probation, shall appear in
25 person at interviews/meetings as directed by the Board or its designated representatives.

26 4. **Residency, Practice, or Licensure Outside of State.** Periods of residency or
27 practice as a registered nurse outside of California shall not apply toward a reduction of this
28 probation time period. Respondent's probation is tolled, if and when he resides outside of

1 California. Respondent must provide written notice to the Board within 15 days of any change of
2 residency or practice outside the state, and within 30 days prior to re-establishing residency or
3 returning to practice in this state.

4 Respondent shall provide a list of all states and territories where he has ever been licensed
5 as a registered nurse, vocational nurse, or practical nurse. Respondent shall further provide
6 information regarding the status of each license and any changes in such license status during the
7 term of probation. Respondent shall inform the Board if he applies for or obtains a new nursing
8 license during the term of probation.

9 5. **Submit Written Reports.** Respondent, during the period of probation, shall submit
10 or cause to be submitted such written reports/declarations and verification of actions under
11 penalty of perjury, as required by the Board. These reports/declarations shall contain statements
12 relative to Respondent's compliance with all the conditions of the Board's Probation Program.
13 Respondent shall immediately execute all release of information forms as may be required by the
14 Board or its representatives.

15 Respondent shall provide a copy of this Decision to the nursing regulatory agency in every
16 state and territory in which he has a registered nurse license.

17 6. **Function as a Registered Nurse.** Respondent, during the period of probation, shall
18 engage in the practice of registered nursing in California for a minimum of 24 hours per week for
19 6 consecutive months or as determined by the Board.

20 For purposes of compliance with the section, "engage in the practice of registered nursing"
21 may include, when approved by the Board, volunteer work as a registered nurse, or work in any
22 non-direct patient care position that requires licensure as a registered nurse.

23 The Board may require that advanced practice nurses engage in advanced practice nursing
24 for a minimum of 24 hours per week for 6 consecutive months or as determined by the Board.

25 If Respondent has not complied with this condition during the probationary term, and
26 Respondent has presented sufficient documentation of his good faith efforts to comply with this
27 condition, and if no other conditions have been violated, the Board, in its discretion, may grant an
28 extension of Respondent's probation period up to one year without further hearing in order to

1 comply with this condition. During the one year extension, all original conditions of probation
2 shall apply.

3 **7. Employment Approval and Reporting Requirements.** Respondent shall obtain
4 prior approval from the Board before commencing or continuing any employment, paid or
5 voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all
6 performance evaluations and other employment related reports as a registered nurse upon request
7 of the Board.

8 Respondent shall provide a copy of this Decision to his employer and immediate
9 supervisors prior to commencement of any nursing or other health care related employment.

10 In addition to the above, Respondent shall notify the Board in writing within seventy-two
11 (72) hours after he obtains any nursing or other health care related employment. Respondent
12 shall notify the Board in writing within seventy-two (72) hours after he is terminated or separated,
13 regardless of cause, from any nursing, or other health care related employment with a full
14 explanation of the circumstances surrounding the termination or separation.

15 **8. Supervision.** Respondent shall obtain prior approval from the Board regarding
16 Respondent's level of supervision and/or collaboration before commencing or continuing any
17 employment as a registered nurse, or education and training that includes patient care.

18 Respondent shall practice only under the direct supervision of a registered nurse in good
19 standing (no current discipline) with the Board of Registered Nursing, unless alternative methods
20 of supervision and/or collaboration (e.g., with an advanced practice nurse or physician) are
21 approved.

22 Respondent's level of supervision and/or collaboration may include, but is not limited to the
23 following:

24 (a) Maximum - The individual providing supervision and/or collaboration is present in
25 the patient care area or in any other work setting at all times.

26 (b) Moderate - The individual providing supervision and/or collaboration is in the patient
27 care unit or in any other work setting at least half the hours Respondent works.

28 (c) Minimum - The individual providing supervision and/or collaboration has person-to-

1 person communication with Respondent at least twice during each shift worked.

2 (d) Home Health Care - If Respondent is approved to work in the home health care
3 setting, the individual providing supervision and/or collaboration shall have person-to-person
4 communication with Respondent as required by the Board each work day. Respondent shall
5 maintain telephone or other telecommunication contact with the individual providing supervision
6 and/or collaboration as required by the Board during each work day. The individual providing
7 supervision and/or collaboration shall conduct, as required by the Board, periodic, on-site visits to
8 patients' homes visited by Respondent with or without Respondent present.

9 9. **Employment Limitations.** Respondent shall not work for a nurse's registry, in any
10 private duty position as a registered nurse, a temporary nurse placement agency, a traveling nurse,
11 or for an in-house nursing pool.

12 Respondent shall not work for a licensed home health agency as a visiting nurse unless the
13 registered nursing supervision and other protections for home visits have been approved by the
14 Board. Respondent shall not work in any other registered nursing occupation where home visits
15 are required.

16 Respondent shall not work in any health care setting as a supervisor of registered nurses.
17 The Board may additionally restrict Respondent from supervising licensed vocational nurses
18 and/or unlicensed assistive personnel on a case-by-case basis.

19 Respondent shall not work as a faculty member in an approved school of nursing or as an
20 instructor in a Board approved continuing education program.

21 Respondent shall work only on a regularly assigned, identified and predetermined
22 worksite(s) and shall not work in a float capacity.

23 If Respondent is working or intends to work in excess of 40 hours per week, the Board may
24 request documentation to determine whether there should be restrictions on the hours of work.

25 10. **Complete a Nursing Course(s).** Respondent, at his own expense, shall enroll and
26 successfully complete a course(s) relevant to the practice of registered nursing no later than six
27 months prior to the end of his probationary term.

28 Respondent shall obtain prior approval from the Board before enrolling in the course(s).

1 Respondent shall submit to the Board the original transcripts or certificates of completion for the
2 above required course(s). The Board shall return the original documents to Respondent after
3 photocopying them for its records.

4 If Respondent has not complied with this condition during the probationary term, and
5 Respondent has presented sufficient documentation of his good faith efforts to comply with this
6 condition, and if no other conditions have been violated, the Board, in its discretion, may grant an
7 extension of Respondent's probation period up to one year without further hearing in order to
8 comply with this condition. During the one year extension, all original conditions of probation
9 will apply.

10 **11. Violation of Probation.** If Respondent violates the conditions of his probation, the
11 Board after giving Respondent notice and an opportunity to be heard, may set aside the stay order
12 and impose the stayed discipline (revocation/suspension) of Respondent's license.

13 If during the period of probation, an accusation or petition to revoke probation has been
14 filed against Respondent's license or the Attorney General's Office has been requested to prepare
15 an accusation or petition to revoke probation against Respondent's license, the probationary
16 period shall automatically be extended and shall not expire until the accusation or petition has
17 been acted upon by the Board.

18 **12. License Surrender.** During Respondent's term of probation, if he ceases practicing
19 due to retirement, health reasons or is otherwise unable to satisfy the conditions of probation,
20 Respondent may surrender his license to the Board. The Board reserves the right to evaluate
21 Respondent's request and to exercise its discretion whether to grant the request, or to take any
22 other action deemed appropriate and reasonable under the circumstances, without further hearing.
23 Upon formal acceptance of the tendered license and wall certificate, Respondent will no longer be
24 subject to the conditions of probation.

25 Surrender of Respondent's license shall be considered a disciplinary action and shall
26 become a part of Respondent's license history with the Board. A registered nurse whose license
27 has been surrendered may petition the Board for reinstatement no sooner than the following
28 minimum periods from the effective date of the disciplinary decision:

1 (1) Two years for reinstatement of a license that was surrendered for any reason other
2 than a mental or physical illness; or

3 (2) One year for a license surrendered for a mental or physical illness.

4 13. **Physical Examination.** Within 45 days of the effective date of this Decision,
5 Respondent, at his expense, shall have a licensed physician, nurse practitioner, or physician
6 assistant, who is approved by the Board before the assessment is performed, submit an
7 assessment of the Respondent's physical condition and capability to perform the duties of a
8 registered nurse. Such an assessment shall be submitted in a format acceptable to the Board. If
9 medically determined, a recommended treatment program will be instituted and followed by the
10 Respondent with the physician, nurse practitioner, or physician assistant providing written reports
11 to the Board on forms provided by the Board.

12 If Respondent is determined to be unable to practice safely as a registered nurse, the
13 licensed physician, nurse practitioner, or physician assistant making this determination shall
14 immediately notify the Board and Respondent by telephone, and the Board shall request that the
15 Attorney General's office prepare an accusation or petition to revoke probation. Respondent shall
16 immediately cease practice and shall not resume practice until notified by the Board. During this
17 period of suspension, Respondent shall not engage in any practice for which a license issued by
18 the Board is required until the Board has notified Respondent that a medical determination
19 permits Respondent to resume practice. This period of suspension will not apply to the reduction
20 of this probationary time period.

21 If Respondent fails to have the above assessment submitted to the Board within the 45-day
22 requirement, Respondent shall immediately cease practice and shall not resume practice until
23 notified by the Board. This period of suspension will not apply to the reduction of this
24 probationary time period. The Board may waive or postpone this suspension only if significant,
25 documented evidence of mitigation is provided. Such evidence must establish good faith efforts
26 by Respondent to obtain the assessment, and a specific date for compliance must be provided.
27 Only one such waiver or extension may be permitted.

28 14. **Participate in Treatment/Rehabilitation Program for Chemical Dependence.**

Respondent, at his expense, shall successfully complete during the probationary period or shall have successfully completed prior to commencement of probation a Board-approved treatment/rehabilitation program of at least six months duration. As required, reports shall be submitted by the program on forms provided by the Board. If Respondent has not completed a Board-approved treatment/rehabilitation program prior to commencement of probation, Respondent, within 45 days from the effective date of the decision, shall be enrolled in a program. If a program is not successfully completed within the first nine months of probation, the Board shall consider Respondent in violation of probation.

Based on Board recommendation, each week Respondent shall be required to attend at least one, but no more than five 12-step recovery meetings or equivalent (e.g., Narcotics Anonymous, Alcoholics Anonymous, etc.) and a nurse support group as approved and directed by the Board. If a nurse support group is not available, an additional 12-step meeting or equivalent shall be added. Respondent shall submit dated and signed documentation confirming such attendance to the Board during the entire period of probation. Respondent shall continue with the recovery plan recommended by the treatment/rehabilitation program or a licensed mental health examiner and/or other ongoing recovery groups.

15. Abstain from Use of Psychotropic (Mood-Altering) Drugs. Respondent shall completely abstain from the possession, injection or consumption by any route of all controlled substances and all psychotropic (mood altering) drugs, including alcohol, except when the same are ordered by a health care professional legally authorized to do so as part of documented medical treatment. Respondent shall have sent to the Board, in writing and within fourteen (14) days, by the prescribing health professional, a report identifying the medication, dosage, the date the medication was prescribed, the Respondent's prognosis, the date the medication will no longer be required, and the effect on the recovery plan, if appropriate.

Respondent shall identify for the Board a single physician, nurse practitioner or physician assistant who shall be aware of Respondent's history of substance abuse and will coordinate and monitor any prescriptions for Respondent for dangerous drugs, controlled substances or mood-altering drugs. The coordinating physician, nurse practitioner, or physician assistant shall report

1 to the Board on a quarterly basis Respondent's compliance with this condition. If any substances
2 considered addictive have been prescribed, the report shall identify a program for the time limited
3 use of any such substances.

4 The Board may require the single coordinating physician, nurse practitioner, or physician
5 assistant to be a specialist in addictive medicine, or to consult with a specialist in addictive
6 medicine.

7 16. **Submit to Tests and Samples.** Respondent, at his expense, shall participate in a
8 random, biological fluid testing or a drug screening program which the Board approves. The
9 length of time and frequency will be subject to approval by the Board. Respondent is responsible
10 for keeping the Board informed of Respondent's current telephone number at all times.
11 Respondent shall also ensure that messages may be left at the telephone number when he is not
12 available and ensure that reports are submitted directly by the testing agency to the Board, as
13 directed. Any confirmed positive finding shall be reported immediately to the Board by the
14 program and Respondent shall be considered in violation of probation.

15 In addition, Respondent, at any time during the period of probation, shall fully cooperate
16 with the Board or any of its representatives, and shall, when requested, submit to such tests and
17 samples as the Board or its representatives may require for the detection of alcohol, narcotics,
18 hypnotics, dangerous drugs, or other controlled substances.

19 If Respondent has a positive drug screen for any substance not legally authorized and not
20 reported to the coordinating physician, nurse practitioner, or physician assistant, and the Board
21 files a petition to revoke probation or an accusation, the Board may suspend Respondent from
22 practice pending the final decision on the petition to revoke probation or the accusation. This
23 period of suspension will not apply to the reduction of this probationary time period.

24 If Respondent fails to participate in a random, biological fluid testing or drug screening
25 program within the specified time frame, Respondent shall immediately cease practice and shall
26 not resume practice until notified by the Board. After taking into account documented evidence
27 of mitigation, if the Board files a petition to revoke probation or an accusation, the Board may
28 suspend Respondent from practice pending the final decision on the petition to revoke probation

1 or the accusation. This period of suspension will not apply to the reduction of this probationary
2 time period.

3 17. **Mental Health Examination.** Respondent shall, within 45 days of the effective date
4 of this Decision, have a mental health examination including psychological testing as appropriate
5 to determine his capability to perform the duties of a registered nurse. The examination will be
6 performed by a psychiatrist, psychologist or other licensed mental health practitioner approved by
7 the Board. The examining mental health practitioner will submit a written report of that
8 assessment and recommendations to the Board. All costs are the responsibility of Respondent.
9 Recommendations for treatment, therapy or counseling made as a result of the mental health
10 examination will be instituted and followed by Respondent.

11 If Respondent is determined to be unable to practice safely as a registered nurse, the
12 licensed mental health care practitioner making this determination shall immediately notify the
13 Board and Respondent by telephone, and the Board shall request that the Attorney General's
14 office prepare an accusation or petition to revoke probation. Respondent shall immediately cease
15 practice and may not resume practice until notified by the Board. During this period of
16 suspension, Respondent shall not engage in any practice for which a license issued by the Board
17 is required, until the Board has notified Respondent that a mental health determination permits
18 Respondent to resume practice. This period of suspension will not apply to the reduction of this
19 probationary time period.

20 If Respondent fails to have the above assessment submitted to the Board within the 45-day
21 requirement, Respondent shall immediately cease practice and shall not resume practice until
22 notified by the Board. This period of suspension will not apply to the reduction of this
23 probationary time period. The Board may waive or postpone this suspension only if significant,
24 documented evidence of mitigation is provided. Such evidence must establish good faith efforts
25 by Respondent to obtain the assessment, and a specific date for compliance must be provided.
26 Only one such waiver or extension may be permitted.

27 18. **Therapy or Counseling Program.** Respondent, at his expense, shall participate in
28 an on-going counseling program until such time as the Board releases him from this requirement

1 and only upon the recommendation of the counselor. Written progress reports from the counselor
2 will be required at various intervals.

3 ACCEPTANCE

4 I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the
5 stipulation and the effect it will have on my Registered Nurse License. I enter into this
6 Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree
7 to be bound by the Decision and Order of the Board of Registered Nursing.

8
9 DATED: June 13 2012

Fredrick J. Lopez
FREDRICK JAMES LOPEZ
Respondent

11 ENDORSEMENT

12 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
13 submitted for consideration by the Board of Registered Nursing of the Department of Consumer
14 Affairs.

15 Dated: 6/13/2012

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
ARTHUR D. TAGGART
Supervising Deputy Attorney General

Sterling A. Smith
STERLING A. SMITH
Deputy Attorney General
Attorneys for Complainant

Exhibit A

Statement of Issues No. 2012-486

1 KAMALA D. HARRIS
Attorney General of California
2 ARTHUR D. TAGGART
Supervising Deputy Attorney General
3 STERLING A. SMITH
Deputy Attorney General
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6 Telephone: (916) 445-0378
Facsimile: (916) 327-8643
7 Attorneys for Complainant

8 BEFORE THE
BOARD OF REGISTERED NURSING
9 DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

10
11 In the Matter of the Statement of Issues
Against:

Case No. 2012-486

12 FREDRICK JAMES LOPEZ
13 1926 N. Cedar Court
Visalia, CA 93292

STATEMENT OF ISSUES

14
15 Respondent.

16
17 Complainant alleges:

18 PARTIES

19 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Statement of Issues solely
20 in her official capacity as the Interim Executive Officer of the Board of Registered Nursing
21 ("Board"), Department of Consumer Affairs.

22 Application Information

23 2. On or about March 28, 2011, the Board received an Application for Licensure by
24 Examination from Fredrick James Lopez ("Respondent"). On or about March 24, 2011, Fredrick
25 James Lopez certified under penalty of perjury to the truthfulness of all statements, answers, and
26 representations in the application. The Board denied the application on May 27, 2011.

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1 FIRST CAUSE FOR DENIAL OF APPLICATION

2 (Criminal Conviction)

3 7. Respondent's application is subject to denial pursuant to Code section 480,
4 subdivision (a)(1) and 2761, subdivision (f), in that Respondent has been convicted of the
5 following crime that is substantially related to the qualifications, functions, or duties of a
6 registered nurse:

7 a. On or about February 24, 2009, in the Superior Court, County of Tulare,
8 California, in the matter entitled *People vs. Fredrick James Lopez*, Case No. TCM216892,
9 Respondent was convicted following his plea of no contest to a violation of Vehicle Code section
10 23152, subdivision (b) (driving with a blood alcohol level of .08% or more), a misdemeanor. The
11 circumstances of the crime are that on December 14, 2008, Respondent was arrested for driving
12 under the influence after California Highway Patrol officers found him unresponsive in his
13 vehicle. Respondent's blood alcohol level measured .19%.

14 SECOND CAUSE FOR DENIAL OF APPLICATION

15 (Committed Acts Which if Done by a Licentiate Would Constitute Cause for Discipline)

16 8. Respondent's application is subject to denial pursuant to Code section 480
17 subdivision (a)(3)(A), in that Respondent committed acts which if done by a licentiate constitute
18 cause for discipline pursuant to Code sections 2761, subdivision (f), 2762, subdivisions (b) and
19 (c).

20 FACTORS IN AGGRAVATION

21 9. In or about 1995 in Houston, Texas, Respondent, by his own admission, was
22 convicted of misdemeanor burglary of a building. Respondent served a number of days in the
23 Harris County Jail. The circumstances of the crime are that Respondent and a couple of his
24 friends were exploring vacant, boarded up houses and were subsequently arrested.

25 10. In or about April 1998, Respondent, by his own admission, was originally charged
26 with assault and vehicular assault, which was pled down to reckless driving. Respondent spent
27 approximately 80 days in jail. The circumstances of the crime are that during a group altercation,
28 Respondent ran over a woman with his vehicle. The woman had lain down in front of

1 Respondent's vehicle in order to keep him from leaving the altercation; however, since the
2 woman was lying on the ground, Respondent was not aware she was in front of the vehicle.

3 11. In or about February 2000, Respondent, by his own admission, was convicted
4 following his plea of guilty to 2 counts of domestic violence. Respondent was sentenced to 100
5 days in jail and was discharged with other than an honorable discharge from the military. The
6 circumstances of the crime are that Respondent was involved in a physical altercation with his
7 now ex-wife.

8 PRAYER

9 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
10 and that following the hearing, the Board of Registered Nursing issue a decision:

- 11 1. Denying the application of Fredrick James Lopez for a Registered Nurse License;
12 and,
13 2. Taking such other and further action as deemed necessary and proper.

14
15
16 DATED: February 22, 2012

Louise R. Bailey
LOUISE R. BAILEY, M.ED., RN
Interim Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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